

Applicant : Blackburn, et al.
Serial No. : 09/682,732
Filed : October 11, 2001
Page : 4 of 4

Attorney's Docket No.: 16707-002001

REMARKS

Claims 10, 12, 13, and 21-24 are pending. Claims 10, 21, 23 and 24 are amended. A reply was due June 2, 2004. A two month extension of time was requested with papers filed on July 22, 2004. These papers being sent August 2, 2004, with a certificate of mailing, thus they are believed timely under 37 CFR 1.8. If they are not, the Office is authorized to charge Fish & Richardson's deposit account for the additional one month extension of time.

On August 2, 2004, the undersigned and Examiner Patterson held a brief telephone conference concerning the subject application. It was brought to Applicant's attention that the subject file history is with a scanning division so it is not accessible to the Examiner. It was suggested by the Examiner that a short amendment be made to the application, and that this would get the file back from the scanning division to the Examiner so that a substantive interview with the Examiner concerning the pending claims and references cited could be held.

Applicant makes these amendments to the claims for the purpose of clarification. The term "non-uniform" is added in reference to the cushion layer in claims 10 and 21, which does not further modify but does clarify the other language describing the structure. The term "completely" is added to claim 10, which clarifies the structure of the cushion layer. Furthermore, the term "spring" is removed from claim 24. Other minor changes, consistent with the referenced amendments, and including grammatical corrections, are made to the claims, which are self-evident. No new matter is added by way of these amendments, nor should any additional search be required.

The Examiner is encouraged to contact me at her earliest convenience so that a substantive interview may take place. I can be reached directly at (858) 678-4719 beginning at approximately 11:00 am EST most days. If the issue is simply scheduling the interview, the Examiner may also email me at wolff@fr.com to coordinate schedules.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

8/2/04



Jason W. Wolff
Reg. No. 43,281

Fish & Richardson P.C.
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

10421607.doc